

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARCY BURSING,
Plaintiff,
vs.
MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,
Defendant.

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Case No.: 2:12-cv-000434-GMN-GWF

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**ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF MAGISTRATE
JUDGE GEORGE FOLEY, JR.**

Pending before the Court is the judicial review of the administrative action by the Commissioner of Social Security denying Plaintiff Darcy Burton's claim for disability benefits under Title II of the Social Security Act. Plaintiff's Complaint (ECF No. 1) was filed on March 15, 2012. Defendant's Answer (ECF No. 11) was filed on September 11, 2012. Plaintiff filed his Motion to Remand Administrative Decision of the Commissioner of Social Security (ECF No. 16) on November 8, 2012. The Commissioner of Social Security filed his Cross-Motion for Summary Judgment and Memorandum in Support Thereof and Opposition to Plaintiff's Motion to Remand (ECF No. 17) on December 7, 2012. Plaintiff filed his Reply in Support of Motion for Summary Judgment and Opposition to Defendant's Cross-Motion for Summary Judgment (ECF No. 21) on January 14, 2013.

Also before the Court are the Findings and Recommendation (ECF No. 22) of the Honorable George Foley, Jr., United States Magistrate Judge, entered on March 4, 2013.

Pursuant to Local Rule IB 3-2(a), objections were due by March 21, 2013. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and has determined that Magistrate Judge Foley's

Recommendation should be **ACCEPTED**.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Remand (ECF No. 16) is hereby **GRANTED** and this case shall be remanded to the Commissioner of Social Security to obtain a consultive neuropsychological assessment of the Plaintiff and for the Commissioner to determine whether Plaintiff is able to perform light duty or sedentary work in light of his medically determinable impairments.

IT IS FURTHER ORDERED that the Defendant's Cross-Motion for Summary Judgment (ECF No. 21) is hereby **DENIED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

DATED this 25th day of June, 2013.

Gloria M. Navarro
United States District Judge